

(SUBSTITUTE)
RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04035

1 WHEREAS, Chris Kodad and Believer's Fellowship Church have
2 submitted an application designated as Special Permit No. 04035 for authority to
3 develop Andrea's Court Community Unit Plan consisting of 32 townhouse units and a
4 church, with requested waivers to eliminate the preliminary plat process,
5 detention/retention storage for storm water, sidewalks on both sides of the private
6 roadway, minimum lot area, cul-de-sac geometry, and the required yard setbacks on
7 property generally located at 40th and Superior Streets, and legally described to wit:

8 The remaining portion of Lot 1, Hanson-Jordan Addition,
9 located in the Northeast Quarter of Section 7, Township 10
10 North, Range 7 East of the 6th P.M., Lancaster County,
11 Nebraska, more particularly described as follows:

12 Beginning at a found 3/4" pipe, being the southeast corner
13 of the remaining portion of Lot 1, Hanson-Jordan Addition to
14 the City of Lincoln or the northeast corner of Lot 75 I.T., all
15 located in the Northeast Quarter of Section 7, Township 10
16 North, Range 7 East of the 6th P.M., Lancaster County,
17 Nebraska and said point is on the west right-of-way line of
18 North 40th Street; thence north 89 degrees 43 minutes 34
19 seconds west (an assumed bearing) and on the south line of
20 the remaining portion of Lot 1 of said Hanson-Jordan
21 Addition or the north line of Lot 75 I.T. of said Section 7, a
22 distance of 719.18 feet to a found 1" pipe being the point of
23 non-tangent curvature; thence on a curve to the right, and
24 on the south line of the remaining portion of Lot 1 of said
25 Hanson-Jordan Addition or the north line of Lot 75 I.T. of
26 said Section 7, having a radius of 256.48 feet, an arc length
27 of 111.10 feet and a central angle of 24 degrees 49 minutes
28 05 seconds, with a chord bearing of north 77 degrees 01
29 minutes 27 seconds west, a chord distance of 110.23 feet to
30 a found 1" pipe, being the southwest corner of the remaining

1 portion of Lot 1 or the southeast corner of Outlot "A" of said
2 Hanson-Jordan Addition; thence north 37 degrees 28
3 minutes 14 seconds east, and on the west line of the
4 remaining portion of Lot 1 or the east line of Outlot "A" of
5 said Hanson-Jordan Addition, a distance of 867.79 feet to a
6 found 1" pipe, being the northwest corner of the remaining
7 portion of Lot 1 or the northeast corner of Outlot "A" of said
8 Hanson-Jordan Addition and also said point is on the south
9 right-of-way line of Superior Street; thence north 89 degrees
10 29 minutes 57 seconds east, and on the north line of the
11 remaining portion of Lot 1 of said Hanson-Jordan Addition or
12 the south right-of-way line of said Superior Street, a distance
13 of 289.73 feet to a found 1" pipe, being the point of non-
14 tangent curvature; thence on a curve to the right, and on the
15 northerly line of the remaining portion of Lot 1 of said
16 Hanson-Jordan Addition or the southerly right-of-way line of
17 said Superior Street, having a radius of 20.00 feet, an arc
18 length of 24.18 feet, and a central angle of 69 degrees 15
19 minutes 33 seconds, with a chord bearing of south 34
20 degrees 12 minutes 59 seconds east, a chord distance of
21 22.73 feet to a found 1" pipe, being a point on the west right-
22 of-way line of said North 40th Street; thence south 00
23 degrees 18 minutes 48 seconds west, and on the east line
24 of the remaining portion of Lot 1 of said Hanson-Jordan
25 Addition or the west right-of-way line of said North 40th
26 Street, a distance of 700.67 feet to the point of beginning
27 and containing a calculated area of 410,046.25 square feet
28 or 9.413 acres, more or less;

29 WHEREAS, the real property adjacent to the area included within the site
30 plan for this community unit plan will not be adversely affected; and

31 WHEREAS, said site plan together with the terms and conditions
32 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
33 Municipal Code to promote the public health, safety, and general welfare.

34 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
35 Lincoln, Nebraska:

36 That the application of Chris Kodad and Believer's Fellowship Church,
37 hereinafter referred to as "Permittee", to develop Andrea's Court Community Unit Plan

consisting of 32 townhouse units and a church, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:

- a. 32 dwelling units and a church and the following variances to the Land Subdivision Ordinance and Design Standards:
 - i. Detention/Retention storage for storm water.
 - ii. Cul-de-sac geometry.
 - iii. Minimum lot area for the single-family attached lots which contain less than 5,000 sq. ft.
 - iv. Required front and rear yard setbacks as shown on the site plan.
 - v. Sidewalks on both sides of the private roadway in order to allow sidewalks only on the north side of the private roadway.
- b. The requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

2. Final plats will be approved by the Planning Director after:

- a. You have completed or posted a surety to guarantee the completion of the private roadway improvements, sidewalks,

1 sanitary sewer system, water system, drainage facilities, land
2 preparation and grading, sediment and erosions control measures,
3 drainageway improvements, street lights, landscaping screens,
4 street trees, and street name signs.

5 b. The subdivider has signed an agreement that binds the subdivider,
6 its successors and assigns:

7 i. to complete the street paving of the private roadway shown
8 on the final plat within two (2) years following the approval of
9 this final plat.

10 ii. to complete the installation of sidewalks along the north side
11 of the private roadway, the west side of North 40th Street, the
12 south side of Superior Street, and the connector sidewalk to
13 the recreational area shown on the final plat within four (4)
14 years following the approval of this final plat.

15 iii. to complete the public water distribution system to serve this
16 plat within two (2) years following the approval of this final
17 plat.

18 iv. to complete the private wastewater collection system to
19 serve this plat within two (2) years following the approval of
20 this final plat.

21 v. to complete the enclosed drainage facilities shown on the
22 approved drainage study to serve this plat within two (2)
23 years following the approval of this final plat.

24 vi. to complete land preparation including open drainageway
25 improvements to serve this plat prior to the installation of
26 utilities and improvements but not more than two (2) years
27 following the approval of this final plat

28 vii. to complete the installation of street lights along the private
29 roadway within this plat within two (2) years following the
30 approval of this final plat.

31 viii. to complete the planting of the street trees along the private
32 roadway, North 40th Street, and Superior Street within this
33 plat within four (4) years following the approval of this final
34 plat.

35 ix. to complete the installation of the street name signs within
36 two (2) years following the approval of this final plat.

- x. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards).
- xi. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- xii. to complete the public and private improvements shown on the preliminary plat.
- xiii. to submit to the lot buyers and home builders a copy of the soil analysis.
- xiv. to pay all design, engineering, labor, material, inspection, and other improvement costs.
- xv. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xvi. to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- xvii. to relinquish the right of direct vehicular access from Lots 1 and 32 to North 40th Street, and from Lot 33 to Superior Street, and North 40th Street except as shown.
- xviii. to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
- xix. to post the required security to guarantee completion of the required improvements if the improvements are not competed prior to approval of this final plat.

3. Before receiving building permits:

- a. The permittee must submit an acceptable, revised final plan including 5 copies.
- b. Submit a Written Notice of Intent and Stormwater Pollution

- Prevention Plan for approval to the Lower Platte South NRD.
- c. Submit an approved Section 404 permit, or a letter from the US Army Corps of Engineers stating such permit is not required.
 - d. The construction plans must conform to the approved plans.
 - e. Final Plats within the area of this community unit plan must be approved by the City.
 - f. Obtain a floodplain fill permit from the Building and Safety Department.
4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor